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DATE September 3, 2002

NAME Examiner M. Belyavskiy

COMPANY Technology Center 1600, U.S. Patent and Trademark Office

FAX NUMBER (703) 308-4315

FROM Teresa R. Spratt for Robert A. Hodges, Ph.D., J.D.

REFERENCE NO. 05010.0087U1

OUR FAX NUMBER 404-688-9880

NUMBER OF PAGES 3

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**ATTORNEY DOCKET NO. 05010.0087U1
PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Waller et al.)	
)	
Application No. 09/945,339)	
)	
Confirmation No. 1418)	Examiner: Belyavskiy, Michael A.
)	
Filed: August 31, 2001)	Art Unit: 1644
)	
For: A METHOD OF TRANSPLANTATION)	
USING CHEMOTHERAPY-TREATED)	
ALLOGENEIC CELLS THAT ENHANCE)	
IMMUNE RESPONSES WITHOUT)	
GRAFT VERSUS HOST DISEASE)	

RESPONSE TO RESTRICTION REQUIREMENT

VIA FACSIMILE TRANSMISSION 703/308-4315
ATTN: Examiner M. Belyavskiy
Technology Center 1600
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
The Candler Building
127 Peachtree Street, N.E.
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September 3, 2002

Sir:

Responsive to the Office Action mailed August 5, 2002, please consider the following remarks.

Remarks

Response to Election of Species

1. In the Office Action mailed August 5, 2002, requirement for the election of a species was made as set forth in the office action dated April 24, 2002. The Office Action required election of a species from among allogeneic organ and xenogeneic organ. In response, applicants elect

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Application No. 09/945,339


for examination allogeneic organ, without traverse. Applicants acknowledge that upon allowance of a generic claim, Applicants will be entitled to consideration of additional species that are written in dependent form or otherwise include all limitations of an allowed generic as provided by 37 C.F.R. 1.141.

Favorable consideration of claims 1-6 and 15-20 is earnestly solicited.

It is believed that no fee is due with this Response. However, the Commissioner is hereby authorized to charge any additional amount due or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.


Robert A. Hodges
Reg. No. 41,074

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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via Facsimile No. (703) 308-4315 addressed to: Examiner M. Belyavskiy, Technology Center 1600, U.S. Patent and Trademark Office, Washington, D.C. 20231 on the date indicated below.


Teresa R. Spratt


Date